

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
FAX: (916) 776-2293



February 23, 1996

**NOTICE OF PROPOSED ADOPTION OF
REGULATION GOVERNING SITING OF
NEW SEWAGE TREATMENT FACILITIES AND AREAS FOR DISPOSAL OF
SEWAGE EFFLUENT AND SEWAGE SLUDGE IN
THE PRIMARY ZONE OF THE SACRAMENTO-SAN JOAQUIN DELTA**

NOTICE IS HEREBY GIVEN that the Delta Protection Commission proposes to adopt a regulation governing local government authorization of new sewage treatment facilities and areas for disposal of sewage effluent and sewage sludge in the Primary Zone of the Sacramento-San Joaquin Delta. This action is part of the Commission's planning activities which are undertaken in accordance with the provisions of the Delta Protection Act of 1992, and to implement and make more specific the provisions of that Act, Public Resources Code sections 29700 et seq, and specifically sections 29752 and 29760.

The Commission's planning activities include the preparation and adoption of the Delta resource management plan, and amendments thereto, and the Commission's review and approval of local general plan amendments proposed to comply with the Delta plan and Delta Protection Act. The proposed regulation will direct local governments to protect natural resources of the Primary Zone of the Delta by insuring that the location of utilities and infrastructure land uses consisting of new sewage treatment facilities and sites for disposal of sewage effluent and sewage sludge shall be located outside of the Delta Primary Zone (NOTE: disposal includes discharge, placement for final disposal, and land application).

A written comment period has been established commencing February 23, 1996, and terminating on April 8, 1996.

Any interested person may present written comments concerning the proposed regulation. Comments must be received no later than April 8, 1996, by Margit Aramburu, Executive Director, Delta Protection Commission, either at P.O. Box 530, Walnut Grove, California, 95690, or at the hearings identified below.

The Commission will hold three public hearings to receive public testimony on this matter on: Thursday, March 28, 1996, at 6:30 p.m. at the Jean Harvie Community Center, 14273 River Road, Walnut Grove, California; Thursday, April 4, 1996, at 10:00 a.m. at the Roberts Island Union Farm Center, 4925 W. Howard Road, Roberts Island (west of Stockton); and Monday, April 8, 1996, at 10:00 a.m. in the Theater at the Antioch Community Center, 213 F Street, Antioch.

STATEMENT OF REASONS
SUPPORTING ADOPTION OF REGULATION

DELTA PROTECTION COMMISSION

The Delta Protection Act of 1992 creates the Delta Protection Commission, a 19-member entity with certain land use planning responsibilities concerning the Sacramento-San Joaquin Delta. Among its statutory duties, the Commission is directed to develop a comprehensive long-term resource management plan for land uses within the primary zone of the Delta, and is directed to review and approve local general plan amendment proposals to implement the Delta resource management plan.

The regulation currently proposed by the Commission would establish a land use policy to be adopted and implemented by local governments with jurisdiction in the Delta Primary Zone regarding location of new sewage treatment facilities and areas for disposal of sewage effluent and sewage sludge in the Delta Primary Zone. The Commission is authorized to adopt regulations to govern its procedures (Public Resources Code section 29752).

The effect of the proposed regulation would be to preclude construction of new sewage treatment facilities and placement of sewage effluent and/or sewage sludge in the Primary Zone of the Delta. The proposed regulation would protect natural resources, including soils, water, wildlife habitat, and wildlife, by protecting them from inappropriate and incompatible land uses as an integral part of the Commission's planning program.

In drafting the proposed regulation, the Commission considered a variety of factors and sources of information. In addition the Commission received numerous comments from the general public and landowners in the Primary Zone of the Delta related to the Commission's adoption of its Land Use and Resource Management Plan; those comments were also considered.

Some of the factors considered include the following:

1. Soils and Hydrology. Due to unique soil conditions and hydrology, much of the Primary Zone is at constant risk of flooding and/or inundation. The Delta has been described as a mat of peat soil floating atop a large pool of water. Much of the Delta is below sea level and is protected by levees from daily inundation. Many areas of the Delta must be vigorously drained and pumped to keep the groundwater table below the surface of the land and to avoid flooding. This means most of the Primary Zone is subject to flooding if such pumping were to cease. There have been repeated levee breaks in the Delta, with two small islands flooding as recently as 1995. Levee

breaks can result from various causes including overtopping, erosion by floodwater, weak spots (beaver burrows, fallen tree root balls), and others. The Delta levees are also susceptible to failure due to seismic activity. In the case of a levee break or rising groundwater soon after placement of sewage effluent and/or sewage sludge, flood waters would carry off materials placed on the island's surface and contaminate significant other land and water areas.

2. **Drinking Water.** Approximately two-thirds of the population of the State of California receives at least some of its drinking water from the water exported from the Delta. There is a constant effort to maintain and/or to improve the water quality in the Delta waterways through control over urban nonpoint discharges, close monitoring of urban wastewater discharges into the Delta, testing and monitoring of pesticide discharges from agricultural drains, etc. Land application of sewage effluent and/or sewage sludge in the Primary Zone of the Delta poses risks of adverse impacts to water quality from the potential escape or release of sewage effluent, sewage sludge, or associated contaminants into the Delta water "pool".

3. **Potential Adverse Impacts on Delta Agricultural Lands.** Placement of sewage effluent and/or sewage sludge results in placement of materials containing salts, metals, and other contaminants on a site. These materials are not removed during secondary or tertiary treatment of sewage. These materials may build up over time resulting in cumulative adverse impacts to cultivated crops and wildlife habitat due to bioaccumulation, concentration of metals, and increased salinity.

4. **Wildlife Habitat on Agricultural Lands.** Lands and waters in the Primary Zone of the Delta serve as year round and seasonal wildlife habitat. Many thousands of acres of land used for row crops are flooded in the late fall and winter for habitat for shorebirds, migratory ducks and geese, sandhill cranes, and others. Wildlife and wildlife habitats could be adversely affected by sewage effluent and/or sewage sludge application in the Primary Zone of the Delta.

PROPOSED
DELTA PROTECTION COMMISSION REGULATION
FOR
LOCATION OF NEW SEWAGE TREATMENT FACILITIES AND
AREAS FOR DISPOSAL OF SEWAGE EFFLUENT AND SEWAGE SLUDGE

Title 14, California Code of Regulations, Chapter 3:

Section 20030: New sewage treatment facilities (including storage ponds) and areas for disposal of sewage effluent and sewage sludge shall not be located within the Delta Primary Zone.
[Note: The Rio Vista project, as described in the adopted Final Environmental Impact Report for such project, and the Ironhouse Sanitary District use of Jersey Island for disposal of treated wastewater and biosolids are exempt from this policy.]

Authority: Public Resources Code section 29752.

Reference: Public Resources Code sections 29760, 29763, and 29763.5.